

**Remarks**

The Examiner has rejected independent claims 1, 22, 40, 41, 42, 43, 64, and 82 under 35 U.S.C. §102(b) as anticipated by Bauer, U.S. Patent No. 5,788,688. This rejection is respectfully traversed.

**Independent Claims 1, 40, 43**

Applicant respectfully submits that Bauer does not anticipate claim 40 because all of the elements in claim 40 are not shown in this reference.

Claim 40 recites a system that controls primary medical devices, which are part of a surgical network, and ancillary medical devices, including (1) at least one primary medical device that receives the medical command data generated by the controller and translates it, (2) at least one ancillary device that receives the medical command data translated by the primary medical device, and (3) a data stream, generated by the ancillary medical device, that has a higher bandwidth than the surgical network is capable of transmitting. The Office Action has asserted that the "primary medical device" reads on the camera control unit 49 and the "ancillary device" reads on the camera 74 (which is connected to the camera control unit 49). However, if one reads the claimed "primary device" and "ancillary device" on these two portions of the camera system, then there is no "data stream, generated by at least one of said at least one

ancillary medical devices, *with a higher bandwidth than said surgical network is capable of transmitting.*"

Specifically, if the "ancillary device" is going to be read on the camera 74, then this ancillary device does not transmit a data stream with a higher bandwidth than the surgical network is capable of transmitting. To the extent the camera generates a data stream, it transmits it back to the camera control unit 49 (which communicates with the control unit 66) before anything is transmitted to the monitor 68. Thus, the data stream does not have a higher bandwidth than the surgical network is capable of handling. This distinction is significant because one of the objectives of the invention is to provide a system that is able to provide a control system that can accommodate devices that require high bandwidth data transmission while allowing the remaining devices to be interconnected via a bus that is desirable for connecting the main surgical devices.

The Office Action indicates that independent claims 1 and 43 are rejected under the same rationale as independent claim 40. Applicant submits that Bauer does not disclose all of the elements in claims 1 and 43 for the same reasons as set forth above.

## **Independent Claims 42 and 82**

Applicant respectfully submits that Bauer does not anticipate claim 42 because all of the elements in claim 42 are not shown in this reference.

First, Applicant notes that the Office Action cites the same control unit (66) as both the claimed "controller" and the claimed "medical device". Applicant respectfully submits that it is an unfair reading of the claim terms to assert that the same control unit is both a medical device in the surgical network and the controller that controls the surgical network.

Second, claim 42 recites that the medical device (which the Office Action maintains is the controller 66) has "a second interface, by which said medical device is in communication with said ancillary network". The Office Action states that the claimed "ancillary network" reads on "the video network". Applicant respectfully notes that it is unclear what this "video network" is. The only thing that communicates with the identified second interface of the controller is the monitor 68. Applicant submits that it is an unfair reading to assert that this monitor is the "ancillary network". To the extent the camera control unit and/or camera are part of the "video network", Applicant notes that these are not connected to same interface, and are, in fact, part of the surgical network to which the controller 66 is also connected.

Third, Applicant notes that Bauer does not disclose "a data stream, generated by said medical device and communicated to said ancillary network, *with a higher bandwidth than said surgical network is capable of transmitting.*" The video initially

comes from the other side of the system—namely, from the camera control unit 49 connected to the control unit 66, and thus, the video that is later transmitted from the frame store card 90 to the monitor 68 is clearly not a data stream “with a higher bandwidth than said surgical network is capable of transmitting.”

Again, Applicant respectfully notes that these differences are significant, as these literal differences in the claim language reflect the fact the system disclosed in Bauer is really not a system that exercises control over both a surgical network interconnected via a bus desirable for such connectivity and an ancillary device that transmits data with bandwidth too high to be properly transmit via that bus.

The Office Action indicates that independent claim 82 is rejected under the same rationale as independent claim 42. Applicant submits that Bauer does not disclose all of the elements in claim 82 for the same reasons as set forth above.

#### **Independent Claims 22, 41, 64**

The Office Action indicates that independent claims 22, 41, and 64 are also rejected under the same rationale as independent claim 42.

Applicant notes that claims 22 and 41 each require “at least one ancillary medical device not connectable to said surgical network”, and “feedback data generated by said at least one ancillary medical device and communicated to said translator.” Similarly,

independent claim 64 requires “communicating the translated medical command data to an ancillary medical device that is not connectable to the surgical network” and “generating feedback data with the ancillary medical device” and “communicating the translated feedback data to the surgical network.”

Applicant respectfully submits that the Office Action has not addressed these limitations. Applicant further notes that Bauer does not disclose any such ancillary devices.

For the foregoing reasons, it is respectfully submitted that claims 1-82, all of the claims remaining in the application, are in order for allowance, and early notice to that effect is respectfully requested.

Respectfully submitted,

June 25, 2007

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